Appendix 10-2 Section 504 Letter Of Complaint

(Be sure to keep a copy for your records.)

(Date)

Office for Civil Rights, Cleveland Office
U.S. Department of Education
600 Superior Ave., East, Suite 750
Cleveland, Ohio 44114-2611

RE: Edward Davis

Dear Sir or Madam:

The purpose of this letter is to make a formal complaint to you concerning the actions of the ( ) Intermediate School District and the education of my son, Edward Davis. The main facts of the complaint are as follows:

1. Edward is a 14-year-old boy with mild cognitive impairment who lives with me in the ( ) School District.

2. (_____) School District has excluded Edward from participation in his vocational education and physical education classes and failed to provide him with prescribed speech therapy.

3. On (date), the Individualized Education Program Team (IEPT) met to develop Edward's Individualized Education Program (IEP) for the coming school year when he would be entering Smith Junior High School. The IEPT agreed that Edward was ready to enter the vocational education program. The IEPT also agreed that he should continue to receive speech therapy three times a week for fifty minutes a session.

4. On (date), three weeks after school started, I learned that Edward had been dropped from his vocational education and physical education classes and that he would not be receiving any speech therapy this year. On (date), Ms. Edith Jones, Edward's counselor, called to tell me that Mr. Clark, the principal, and Mr. Smith, the teacher of the vocational program, had met the day before to discuss the problems Edward was having in classes. Ms. Jones told me that Edward had been teased and picked on by the other boys in his P.E. and shop classes. These problems were disrupting the classes.

5. The IEPT did not meet until (date). I said that Edward should be let back into the vocational education and physical education classes. I argued that he should not be punished for the behavior of the other students. Mr. Clark and Mr. Smith insisted that his presence was the source of the problem and they could not stop the other students' teasing. Mr. Clark also said he was sorry, but the school board had cut back on special education funding and there was no more money available to pay for speech therapy for students in the junior and senior high schools. Edward's IEP was changed to reflect the actions taken by the principal. I indicated my opposition to the school's actions on the

IEP. I also insisted that the reasons given for the removal from the classes and denial of speech therapy be included in the IEP.

6. Since (_date_), Edward has not been going to his vocational education class. Instead, he has been placed in the study hall. He has not received any speech therapy since the school year began.

7. I believe that the school district's actions violate the Section 504 and IDEA regulations and my son's right to an appropriate education.

8. I request that you investigate the actions of (_____) School District and order the district to put Edward back into his vocational education and physical education classes and to give him the prescribed speech therapy. To assist you in your investigation, I will be happy to share with you all relevant documents from my file and put your investigators in touch with other persons who have pertinent information. The following individuals are responsible for the actions complained of:

   Mr. Clark Principal; Ms. Edith Jones, Counselor; ISD, 123 Main Street, My City, Michigan (517) 444-3693

9. I expect that the Office for Civil Rights will keep me informed of any actions taken about this complaint, including providing copies of any written findings. I also expect that OCR will promptly acknowledge receipt of my letter and that it will immediately begin an investigation. I intend to keep the Washington Office for Civil Rights informed if there are delays in the investigation of this complaint.

Sincerely,

(Names of Parents)
(Address)
(Telephone Number)

cc: U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., S.W.
Washington, DC 20202-1100